

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ADRIAN SCHOOLCRAFT,

Plaintiff,

Index No.

vs.

10 Civ 6005 (RWS)

CITY OF NEW YORK, et al.,

Defendants.

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VOLUME II

CONTINUED DEPOSITION OF TIMOTHY CAUGHEY

New York, New York

Monday, December 9, 2013

Reported by:

Diane Buchanan

JOB NO. 1779274

1 T. Caughey

2 Schoolcraft was put on restricted duty?

3 MR. SHAFFER: Objection.

4 A. I believe it was the day that he
5 was put on restricted duty.

6 Q. How did you find out about that?

7 A. I believe health services called
8 the precinct and I spoke to health services
9 that day. Did they call me, I don't know.

10 Q. What did they tell you?

11 A. That he was placed on restricted
12 duty.

13 Q. Did they tell you anything else?

14 A. I don't recall it. I don't recall
15 the conversation.

16 Q. Do you recall who you spoke to at
17 health services?

18 A. I don't.

19 Q. Did you ever speak with Lieutenant
20 Lee about Schoolcraft?

21 A. Lieutenant Lee, yes.

22 Q. How many times did you speak with
23 Lieutenant Lee?

24 A. I don't know how many times.

25 Q. Who is Lieutenant Lee?

1 T. Caughey

2 A. I believe he was from early
3 intervention.

4 Q. What is that?

5 A. It's a unit that it's supposed to
6 help the police officers that are having
7 personal problems or problems with their
8 department.

9 Q. What kind of problems?

10 MR. SHAFFER: Objection.

11 A. I could almost say any problems
12 that early intervention feels they could be
13 of assistance with.

14 Q. Will they help with psychological
15 problems?

16 A. I don't know.

17 Q. Would they help with emotional
18 problems?

19 MR. SHAFFER: Objection.

20 A. I don't know.

21 Q. Where is early intervention?

22 A. I believe it's at One Police Plaza.

23 Q. What did you discuss with Lee about
24 Schoolcraft?

25 A. I don't recall the conversation

1 T. Caughey

2 with Lieutenant Lee.

3 Q. Do you recall anything about your
4 conversation with Lee?

5 A. If I did recall, Lieutenant Lee
6 telling me Officer Schoolcraft has to take
7 the first step and call him. So then I
8 relayed that message to Officer Schoolcraft.

9 MR. SHAFFER: Can we open a door or
10 window possibly.

11 Q. So you called Lee --

12 MR. SHAFFER: Objection.

13 Q. -- is that right?

14 A. I believe I did, but I'm not
15 100 percent accurate on that.

16 Q. And can you tell me approximately
17 when you called him?

18 A. I can't.

19 Q. Did you call him before or after
20 Officer Schoolcraft went on restricted
21 status?

22 A. I'm not sure of the time frame, so
23 I can't answer that.

24 Q. Was it in 2009 that you spoke to
25 Lee?

1 T. Caughey

2 A. I don't know.

3 Q. Did anybody tell you to call Lee
4 about Schoolcraft?

5 A. Again, I don't know. It was a long
6 time ago.

7 Q. Do you recall anything else about
8 your discussions with Lee, other than the
9 fact that Lee told you Schoolcraft has to
10 call him first?

11 A. That's all I recall.

12 Q. Did you relay that information to
13 Schoolcraft?

14 A. Yes.

15 Q. What did he say?

16 MR. SHAFFER: Objection.

17 A. Again, I don't recall what Officer
18 Schoolcraft's response was.

19 Q. Do you have any knowledge about
20 whether or not he did contact early
21 intervention or Lieutenant Lee?

22 A. I don't know if he did.

23 Q. So as far as you were concerned,
24 the matter dropped right there?

25 A. I don't know if the matter dropped.

1 T. Caughey

2 I don't know if he made that phone call or
3 not.

4 Q. Did you suggest to him he make the
5 phone call?

6 A. I don't recall the conversations.
7 I don't know.

8 Q. Why did you believe that it would
9 be a good idea for Schoolcraft to contact
10 early intervention?

11 A. I don't know the time frame of when
12 Lieutenant Lee was contacted, so I don't know
13 what the situation around that was.

14 Q. So, sitting here today, you have no
15 recollection about why you were contacting
16 early intervention, right?

17 A. I could say that Officer
18 Schoolcraft was having a problem. What kind
19 of problem, I don't know.

20 Q. So you have no idea what kind of
21 problem he was having in your mind?

22 MR. SHAFFER: Objection.

23 A. I don't recall what situation
24 Officer Schoolcraft had at that time that
25 would have me call Lieutenant Lee.

1 T. Caughey

2 Q. Did you ever have any discussions
3 with Weiss about Schoolcraft going to or
4 contacting early intervention?

5 A. I don't recall the conversations.
6 I can't put my handle on the time frame of
7 when Lieutenant Lee was called.

8 Q. I'm not talking about when. Did
9 you discuss with Weiss the idea that
10 Schoolcraft should contact early intervention
11 or Lieutenant Lee?

12 A. I don't recall because I don't
13 recall if Sargent Weiss was my assistant at
14 that time.

15 Q. I turn your attention to page 58 of
16 your transcript of your --

17 MR. SHAFFER: Once again, we are
18 discussing a confidential document so I
19 ask this portion of the transcript be
20 made confidential.

21 Q. Page 58, Bates stamp 10,284. Do
22 that you have page, sir?

23 A. Yes.

24 Q. There's a reference on line 15 to
25 Weiss being your assistant ICO from January

1 T. Caughey
2 of '08 to April of 2009.

3 Do you see that?

4 A. I do.

5 Q. Does that refresh your recollection
6 that's when Weiss was the ICO assistant?

7 A. A general time frame, yes.

8 Q. All right. So that's accurate,
9 right --

10 MR. SHAFFER: Objection.

11 Q. -- to the best of your
12 understanding?

13 A. I'm not saying it's accurate.

14 Q. What are you saying?

15 A. I'm saying I don't recall what the
16 time frame was at that time. You are talking
17 about 2009, which is a long time ago. And
18 when Sergeant Weiss was my assistant, I'm
19 just not sure.

20 Q. All right. Turn to page 72.
21 There's a question starting on line 11 about
22 thoughts of early intervention for
23 Schoolcraft.

24 Do you see that, sir, on line 11?

25 A. I do.

1 T. Caughey

2 Q. All right. And early intervention,
3 that was something that was offered to
4 Schoolcraft at the evaluation meetings you
5 attended; is that right?

6 A. I don't recall that.

7 Q. Look at your testimony in PG and
8 tell me if that refreshes your recollection.

9 A. It does not.

10 Q. Have you read the whole discussion
11 on this page and the following page?

12 A. I have not.

13 Q. Please do so find out whether or
14 not that refreshes your recollection about
15 discussions about.

16 A. Page 72 and 73?

17 Q. Yes. It goes from line 11 on page
18 72 through the middle of the next page.

19 Please read that and tell me
20 whether or not that refreshes your
21 recollection of any discussions that you had
22 about early intervention with respect to
23 Schoolcraft.

24 A. Does refresh my memory on one
25 aspect of this.

1 T. Caughey

2 Q. Okay. What does refresh your
3 memory about --

4 A. The time frame again I'm not sure
5 of. One point in Officer Schoolcraft's
6 career he wanted to resign. When that was, I
7 don't know. I think I was the administrative
8 lieutenant at that time so we can say 2004,
9 2005, maybe 2006. I believe it was within
10 that time frame.

11 He was having trouble I believe at
12 the time with his father. He was a caretaker
13 or caregiver and his father was sick. There
14 was something there like that. He was going
15 through problems at home related to that. I
16 think he wanted to retire and we might have
17 called Lieutenant Lee at that time.

18 Q. Well, this part of your PG talks
19 about discussing early intervention with
20 Schoolcraft at the meeting with all of the
21 supervisors in early 2009.

22 What I want to know is whether or
23 not reading this testimony refreshes your
24 recollection about discussions about early
25 intervention then.

1 T. Caughey

2 A. It does not.

3 Q. Do you have any reason to believe
4 that the testimony or the statements that you
5 made as reflected on page 72, lines 11
6 through page 73, line 10 are incorrect?

7 A. There's -- it appears to me there's
8 two time frames here. I'm unfamiliar with
9 the meeting, what was said at the meeting. I
10 just don't recall. And if you look at line
11 19, somebody called early intervention.
12 There's a whole program here. I believe that
13 is when he wanted to resign, in '04, '05 or
14 '06. He came back to the department, he was
15 looking to resign then.

16 Q. Well, all right. If you look at
17 page 72, line 11 there's a question put to
18 you, sir, and it says:

19 "Was there any thought to early
20 intervention?

21 ANSWER: It was offered to him. At
22 the meeting it was offered to him."

23 Do you see that?

24 A. I do see that.

25 Q. And then it goes on: "The

1 T. Caughey

2 evaluation meeting period, the evaluation
3 meeting actually I called up and I spoke to I
4 believe it was Lieutenant Lee from early
5 intervention because he dealt with him too
6 this two years before."

7 Do you see that reference?

8 A. I do.

9 Q. So am I correct that the subject of
10 early intervention came up at the meeting you
11 attended with the other senior officers at
12 the 81st about Schoolcraft's performance
13 evaluation?

14 A. I don't recall.

15 Q. Do you have any reason to believe
16 that the statements that you made from page
17 72, line 11 to 17 are false or incorrect?

18 A. They appear to be scrambled. We
19 are going from the meeting of his evaluation
20 to a couple of years earlier. I don't know.

21 MR. SHAFFER: The words written on
22 that page, do you have reason to believe
23 they are incorrect?

24 THE WITNESS: I would say
25 confusing, they are confusing.

1 T. Caughey

2 Q. And why are they confusing to you?

3 A. Because in my memory, which again
4 is from many years ago bouncing back from the
5 time he wanted to resign to that meeting day,
6 looks like I'm talking about both of them in
7 the same paragraph.

8 Q. Turn to the next page, 73. There's
9 a question, Did he go down? And answer: "He
10 did go down. And what time frame was that,"
11 is the question after that and then your
12 answer is, "After the evaluation meeting."

13 Is that accurate?

14 A. I don't know if that's accurate. I
15 can't grasp the time frame. Again, I'm not
16 grasping the time frame because it's so long
17 ago. Whether or not that's an accurate
18 statement, I don't know.

19 Q. Putting aside the aircraft, is it
20 accurate that Schoolcraft went to early
21 intervention after the meeting?

22 A. I don't know when he went to early
23 intervention.

24 Q. When was the first time you met
25 Officer Schoolcraft?

1 T. Caughey

2 Q. Turn to page 14 of your PG.

3 MR. SHAFFER: 40 or 14?

4 MR. SMITH: 14. It's actually
5 10,240 or page 14.

6 MR. SHAFFER: We are referring to a
7 confidential document. I ask that
8 confidential portions of the transcript
9 be marked as such.

10 Q. If you need to read before, you can
11 read before. Did you look at that?

12 A. I have.

13 Q. Was there a reference to Mauriello
14 observing Schoolcraft sitting in a restaurant
15 for three hours and you issuing to
16 Schoolcraft a command discipline for that?

17 Do you have any recollection of
18 that at all?

19 A. Yes.

20 Q. What do you recall?

21 A. Inspector Mauriello went to the
22 borough, which is our next highest command.
23 Upon him returning to the command, he told me
24 that he observed Officer Schoolcraft at the
25 borough three -- two or three hours, four

1 T. Caughey

2 hours, I don't recall what it is, after a
3 meeting had ended with the personnel sergeant
4 at the borough. He then told me to issue a
5 command discipline to Officer Schoolcraft to
6 be an off post.

7 Q. So Mauriello told you about
8 something that he observed, is that what you
9 are saying?

10 A. Yes.

11 Q. And this was in 2009, sometime in
12 2009?

13 A. I don't know when it was.

14 Q. He told you that he saw Schoolcraft
15 sitting at a diner or restaurant after
16 Schoolcraft had had a meeting at the borough?

17 MR. SHAFFER: Objection.

18 Q. Is that what you are saying
19 Mauriello told you?

20 A. No. I'm saying he observed Officer
21 Schoolcraft in the area of the borough about
22 three hours after the meeting had ended. I
23 think he was standing in front of the borough
24 or to the side of the borough.

25 Q. When you say "the area of the

1 T. Caughey

2 borough," what do you mean?

3 A. 179, I think it was 179 Wilson
4 Avenue.

5 Q. And that's the officers for patrol
6 borough, Brooklyn North?

7 A. Yes.

8 Q. So Mauriello is telling you he saw
9 Schoolcraft at the borough meeting with a
10 sergeant --

11 MR. SHAFFER: Objection.

12 MR. KRETZ: Objection.

13 Q. -- is that correct?

14 A. No.

15 Q. Tell me how I'm wrong. Can you
16 tell me what it is that Mauriello told you
17 again?

18 MR. SHAFFER: Objection.

19 A. Inspector Mauriello told me he
20 was --

21 Q. Inspector Mauriello was at the
22 borough?

23 A. While he was there, he observed
24 Officer Schoolcraft at the borough. Be it to
25 the right of the borough, in front of the

1 T. Caughey

2 borough, saying at the borough is the general
3 area. It was three hours -- he told me it
4 was three hours after the meeting had ended
5 with Schoolcraft and the personnel sergeant,
6 three hours after that meeting.

7 Q. Let me interrupt you so I
8 understand. Was Mauriello at that meeting?

9 MR. SHAFFER: Objection.

10 A. I don't know.

11 Q. Did you understand Mauriello to be
12 saying he saw Schoolcraft at a meeting at the
13 borough and then he saw Schoolcraft hanging
14 around after the meeting?

15 A. I'm not saying that. Officer
16 Schoolcraft had an assigned meeting time at
17 the borough with the personnel sergeant.
18 What time it was, I don't know. Three hours
19 after that meeting had ended, Officer
20 Schoolcraft was observed in front of the
21 borough.

22 Q. What is your understanding how
23 Mauriello knew Schoolcraft had a meeting at
24 the borough?

25 MR. SHAFFER: Objection.

1 T. Caughey

2 A. It would have come through the
3 borough -- I don't have an answer. The most
4 logical answer would be it came from the
5 borough to roll down where Officer
6 Schoolcraft would have a post change to the
7 borough.

8 Q. So Mauriello told you to issue a
9 command discipline to Schoolcraft; is that
10 right?

11 MR. SHAFFER: Objection.

12 A. He told me to issue a command
13 discipline.

14 Q. And you did that?

15 A. Yes.

16 Q. Do you know where the paperwork on
17 that is?

18 A. I don't.

19 Q. Did you ever generate any paperwork
20 to issue a command discipline to Schoolcraft
21 for this three-hour off-post infraction?

22 A. I believe I did.

23 Q. And that CD would be in your file
24 that you maintained, the command discipline,
25 in your office, right?

1 T. Caughey

2 A. I don't know where that CD is.

3 Q. I understand that, but my question
4 is: The normal practice would be you can
5 locate that CD in the file that you maintain
6 at your office, right?

7 A. Yes.

8 Q. And that CD also should be
9 reflected in the log at the sergeant's desk
10 at the 81st too; isn't that right?

11 A. Yes.

12 MR. SMITH: I will call for
13 production of that command discipline as
14 well as the log entry for it at the
15 sergeant's desk.

16 MR. SHAFFER: Please put it in
17 writing.

18 Q. Isn't it unusual for somebody to
19 tell another officer to issue a command
20 discipline for an infraction that the issuing
21 officer didn't observe?

22 MR. SHAFFER: Objection.

23 A. No.

24 Q. That happens a lot?

25 MR. SHAFFER: Objection.

1 T. Caughey

2 A. Not a lot. It happens though, yes.

3 Q. Doesn't it strike you as improper
4 that one person would be telling another
5 person to issue a disciplinary charge against
6 an officer and not be signing the statement
7 as to what they saw?

8 MR. SHAFFER: Objection.

9 A. No, that's a supervisor telling a
10 subordinate to issue a command discipline.

11 Q. What is wrong or, let me ask you
12 this, what Patrol Guide violation did
13 Schoolcraft engage in?

14 MR. SHAFFER: Objection.

15 A. I don't have the command discipline
16 in front of me, so I don't know what the
17 violation was.

18 Q. Well, I mean, you were the
19 integrity control officer for three years.
20 You have 26 years on the force. You mean to
21 tell me you don't know what the violation is
22 if you are off post three hours?

23 MR. SHAFFER: Objection.

24 A. I can make an assumption what the
25 charge against Officer Schoolcraft was that

1 T. Caughey

2 break.

3 (Recess taken from 5:01 p.m. to
4 5:14 p.m.)

5 MR. SMITH: We are going back on
6 the record. It is 5:14.

7 Q. Mr. Caughey, I put in front of you
8 what has been marked as Exhibit 44. These
9 are entries from Officer Schoolcraft's memo
10 book, one of his memo books that were
11 produced to me by the law department in this
12 action.

13 Do you recognize some of the pages
14 here as being excerpts from Officer
15 Schoolcraft's memo book?

16 A. I would say the first page
17 identifies it as Officer Schoolcraft's memo
18 book with his name on it.

19 Q. On the third page there's a
20 reference to a February 25, 2009 meeting. Do
21 you see that reference?

22 A. Wednesday, yes.

23 Q. Does that refresh your recollection
24 about the timing of this meeting?

25 A. It does not.

1 T. Caughey

2 Q. If you go further on in this
3 exhibit to page 196, there's an entry with a
4 date March 13, 2009, like I said on page 196,
5 regarding Sergeant Weiss advising Schoolcraft
6 he wasn't on his post.

7 Do you see that reference?

8 A. Yes.

9 Q. Is that the unusual entry that you
10 testified to today about that you noticed
11 when you scratched his book?

12 MR. SHAFFER: Objection.

13 MR. KRETZ: Objection.

14 A. I thought it was on the back page
15 of this -- of this page. If it's not the
16 one, it's similar. I thought it was on the
17 back page and it's written on the front of
18 the page.

19 You know what, I'm going to change
20 that answer. I'm going to say no, I don't
21 believe that was the entry I saw that day.

22 Q. What made you upon reading that
23 entry believe that this is not the entry?

24 A. I believe it's entry that I
25 saw -- again, we are talking about a long

1 T. Caughey

2 time ago, but I believe the entry that I saw
3 was on the back page of the memo book and it
4 identified a conversation or an incident with
5 Sergeant Weiss and Officer Schoolcraft at the
6 desk area.

7 Q. Can you flip through the five pages
8 are the back pages which are at the end of
9 this document and tell me whether or not you
10 see that reference there?

11 While you are flipping through
12 that, I will mark another set of Officer
13 Schoolcraft's memo book entries as Exhibit
14 45. This is Bates stamp number NYC 8614
15 through 8655.

16 (Excerpt from Adrian Schoolcraft's
17 memo book bearing production Nos. NYC
18 8614 through NYC 8655 marked Plaintiff's
19 Exhibit 45 for identification, as of
20 this date.)

21 A. I don't see it, no.

22 Q. If you turn to page 197, there's a
23 reference in Officer Schoolcraft's memo book
24 to Sergeant Weiss requesting his activity log
25 and berating him and they gave him an

1 T. Caughey

2 unprofessional conduct in looking at that
3 entry.

4 Does that refresh your recollection
5 that this was the unusual entry that you
6 noticed in Schoolcraft's memo book?

7 A. I believe that is the one, yes.

8 Q. What was unusual about this entry
9 in the memo book?

10 MR. SHAFFER: Objection.

11 A. That he describes Sergeant Weiss
12 belittling him.

13 Q. Was it unusual that Sergeant Weiss
14 was belittling somebody or was it unusual
15 that Officer Schoolcraft would be making a
16 note of that in his memo book?

17 A. Unusual that he would make that
18 entry in his memo book.

19 Q. Why is that unusual?

20 A. Because it's not -- because it's
21 not usual. I haven't seen that many times in
22 my career.

23 Q. Did you photocopy this entry in
24 Schoolcraft's memo book?

25 A. I don't recall if I did.

1 T. Caughey

2 Q. Did you ever photocopy any entries
3 in Schoolcraft's memo books?

4 MR. SHAFFER: Objection.

5 A. Yes.

6 Q. When did you do that?

7 A. October 31st.

8 Q. 2009?

9 A. I believe it was 2009.

10 Q. Does looking at this entry refresh
11 your recollection of any discussions that you
12 had with Weiss about the entry in the memo
13 book?

14 A. I'm going say that I assume we
15 talked about it, but I don't recall speaking
16 to Sergeant Weiss about this.

17 Q. Does looking at that entry refresh
18 your recollection of any discussions with
19 anybody else about the entry?

20 A. Say that one more time, please.

21 Q. I asked you earlier if you remember
22 talking with anybody else other than Weiss
23 about the memo book entry that you thought
24 was unusual and you said no, I don't remember
25 discussing it with anybody else except for

1 T. Caughey

2 Weiss.

3 My question is: Now after looking
4 at the actual entry, does that trigger a
5 recollection on your part that you discussed
6 the memo book entry with anybody else other
7 than Weiss?

8 A. I believe --

9 MR. SHAFFER: Objection.

10 Go ahead.

11 A. I believe this was the night that
12 he was off post when I saw this at the bodega
13 and then we -- I brought the memo book back
14 to the precinct.

15 Q. Why did you take Officer
16 Schoolcraft's memo book back to the precinct?

17 MR. SHAFFER: Objection.

18 A. I believe I was going to make
19 copies of it.

20 Q. Did you make copies of it?

21 A. I don't recall if I did.

22 Q. Why did you want to make copies of
23 it?

24 MR. SHAFFER: Objection.

25 A. It was an unusual entry.

1 T. Caughey

2 Q. Did you enter this unusual entry in
3 any of your logs for that day or reports for
4 that day?

5 MR. SHAFFER: Objection.

6 A. I don't recall.

7 Q. How long did you keep Officer
8 Schoolcraft's memo book?

9 MR. SHAFFER: Objection.

10 A. I don't recall.

11 Q. Did you give it back to him later
12 that day?

13 A. Again, I don't recall.

14 Q. Wouldn't Officer Schoolcraft need
15 his memo book in order to make entries in it?

16 MR. SHAFFER: Objection.

17 A. To make entries in his memo book he
18 would need the memo book, yes.

19 Q. Was it unusual for a superior
20 officer to take a subordinate officer's memo
21 book for a sustained period of time?

22 MR. SHAFFER: Objection.

23 A. No.

24 Q. Do you recall being told by
25 Lauterborn to give Schoolcraft his memo book?

1 T. Caughey

2 A. By Captain Lauterborn?

3 Q. Yes.

4 A. I don't recall if Lauterborn told
5 me to give the captain his book or give it.

6 Q. Do you remember having a
7 conversation with Lauterborn about
8 Schoolcraft's memo book?

9 A. Yes.

10 Q. What do you recall about that?

11 A. I recall driving back to the
12 stationhouse and on the radio hearing Officer
13 Schoolcraft request the duty captain. And it
14 was just about that time I was talking to
15 Captain Lauterborn?

16 Q. And what do you recall happened
17 next?

18 A. Well, I believe Captain Lauterborn
19 directed a sergeant to go pick up Officer
20 Schoolcraft off his post.

21 Q. Who was the sergeant?

22 A. I don't recall.

23 Q. And did the sergeant bring
24 Schoolcraft back to the 81st Precinct?

25 A. Schoolcraft did come back to the
early

1 T. Caughey

2 precinct, yes.

3 Q. And you were at the 81st Precinct
4 when Schoolcraft was brought back?

5 A. Yes.

6 Q. And what happened next?

7 MR. SHAFFER: Objection.

8 A. Captain Lauterborn told myself and
9 Sergeant Weiss to leave his office.

10 Q. So the sergeant who was sent to
11 retrieve Schoolcraft, retrieved Schoolcraft
12 and brought him to Captain Lauterborn's
13 office at the 81st?

14 A. I don't know how Schoolcraft came
15 back to the --

16 Q. There came a time when Schoolcraft
17 was in Lauterborn's office that evening or
18 that day, correct?

19 A. Yes.

20 Q. And that is the same as a
21 commanding officer's office?

22 A. Yes.

23 Q. And when Officer Schoolcraft was in
24 that room with Captain Lauterborn, you and
25 Weiss were also in the room?

1 T. Caughey

2 Q. Do you remember what you were
3 wearing on October 31st?

4 A. No.

5 Q. Were you carrying a weapon on
6 October 31st?

7 A. Yes.

8 Q. How many weapons were you carrying?

9 A. One weapon.

10 Q. How many weapons were you
11 authorized to carry?

12 MR. SHAFFER: Objection.

13 A. Two.

14 Q. What was the weapon that you were
15 carrying and what was the other weapon?

16 MR. SHAFFER: Objection.

17 A. The weapon I was carrying was a
18 Smith & Wesson off-duty revolver. The other
19 weapon I owned was a four-wrench
20 Smith & Wesson M&P 10, I believe it is.

21 Q. Where did you carry the one you had
22 with you on October 31st or how did you carry
23 it?

24 A. On a belt holster.

25 Q. Are you right-handed or

1 T. Caughey

2 left-handed?

3 MR. SHAFFER: Objection.

4 A. Right.

5 Q. And where on your belt did you
6 carry your Smith & Wesson revolver?

7 A. On my right side.

8 Q. And was it in a harness of some
9 sort?

10 A. A holster.

11 Q. What kind of a holster?

12 A. A belt holster.

13 Q. With a clip that attached to the
14 belt?

15 MR. SHAFFER: Objection.

16 A. It was attached to the belt, yes.

17 Q. Do you have that weapon with you
18 today?

19 MR. SHAFFER: Objection.

20 A. No.

21 Q. Do you still have that weapon in
22 your possession?

23 MR. SHAFFER: Objection.

24 A. No.

25 Q. Why do you no longer have it in

1 T. Caughey

2 MR. SHAFFER: Objection.

3 A. For the unusual entry that he made
4 in it.

5 Q. What did you do with that
6 photocopy?

7 A. I placed a copy -- I made two
8 copies of the memo book. I believe I put one
9 in my office and I put another copy into the
10 inspector's office.

11 Q. When you say you put another copy
12 in the inspector's office, what do you mean?

13 A. I went into his office with the
14 copies in a manila envelope. I put it in his
15 drawer of his desk.

16 Q. Did you write a note in the manila
17 envelope or on the manila envelope?

18 A. No.

19 Q. Did Mauriello know you were making
20 copies of the memo book at the time you were
21 making them?

22 A. No.

23 Q. Did you tell Inspector Mauriello
24 after making the copies that you made copies
25 and put a copy in his desk drawer?

1 T. Caughey

2 MR. SHAFFER: Objection.

3 A. I told Inspector Mauriello about
4 the copies on the day I returned to work.

5 Q. When was that?

6 A. I'm not sure of the date I
7 returned. October 31st I believe was a
8 Saturday. It was either Monday or Tuesday.

9 Q. Did you discuss the entries in
10 Officer Schoolcraft's memo book with anybody?

11 MR. SHAFFER: Objection.

12 A. What time frame?

13 Q. Any time after making the
14 photocopies.

15 A. First time I discussed those
16 photocopies was the day I returned to work.

17 Q. What about the entry; did you
18 discuss the entries with anybody in the memo
19 book after making the copies?

20 A. Again, the first time I discussed
21 the contents of the memo book was the day I
22 returned to work.

23 Q. And who did you discuss that with?

24 A. Inspector Mauriello.

25 Q. What did you tell him?

1 T. Caughey

2 A. How the memo book came up into the
3 conversation, I'm not sure. He told me about
4 the incident with Schoolcraft on Halloween.

5 Q. And what did you tell him about the
6 memo book?

7 A. That I made copies of the memo
8 because back there were unusual entries in
9 the memo book.

10 Q. What did he say?

11 A. I don't recall.

12 Q. Did it appear to you that Mauriello
13 was unaware of the entries in the memo book
14 when you told him about them?

15 MR. SHAFFER: Objection.

16 A. I don't recall.

17 Q. Having gone through Exhibit 45 in
18 more detail, can you tell me whether or not
19 this is the photocopy or a photocopy of the
20 memo book that you took from Officer
21 Schoolcraft's memo book on October 31, 2009?

22 MR. SHAFFER: Objection.

23 A. I cannot.

24 Q. Do you know what happened to the
25 copy that you put in your files?

1 T. Caughey

2 when you took Officer Schoolcraft's book and
3 made copies for evidence, do you remember
4 folding down any of the pages or earmarking
5 or dog-earring any of the pages to the book?

6 A. I don't, no.

7 Q. And so your recollection is that
8 you photocopied the whole book, right?

9 A. I believe I did, yes.

10 Q. And during that day, did you at all
11 act in an unusual manner with respect to
12 Schoolcraft?

13 MR. SHAFFER: Objection.

14 A. No.

15 Q. Did you brandish your weapon to him
16 at any time that day?

17 MR. SHAFFER: Objection.

18 A. No.

19 Q. Did you come within several feet of
20 him during that day?

21 MR. SHAFFER: Objection.

22 A. Yes.

23 Q. On how many occasions did you come
24 within several feet of him that day?

25 MR. SHAFFER: Objection.

1 T. Caughey

2 A. I don't know how many times.

3 Q. Did you have any kind of physical
4 contact with him that day at all?

5 MR. SHAFFER: Objection.

6 A. No.

7 Q. Have you ever listened to any
8 recordings about that day?

9 MR. SHAFFER: Objection.

10 A. Yes.

11 Q. What recordings have you listened
12 to?

13 A. I believe it was the Village Voice
14 had a weapon site connection to tapes.

15 Q. And what tape did you listen to
16 pertaining to that day?

17 A. I don't recall.

18 Q. Did it have to do with your
19 activities with respect to Schoolcraft or
20 somebody else's activities?

21 A. I don't recall what was on the
22 tapes.

23 Q. You just recall it had something to
24 do with October 31st?

25 A. I will go back to change that